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ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS: NEW CHALLENGES FACING INTERNATIONAL HUMAN RIGHTS LAW

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ABSTRACT

Artificial intelligence technologies have become increasingly widespread in recent years across many fields, including healthcare, education, security, finance, and communication. While these technologies offer significant opportunities that facilitate social life, they also generate new legal and ethical problems concerning the protection of human rights. In particular, personal data processing, algorithmic decision-making, and AI-supported surveillance practices have given rise to major debates in relation to fundamental human rights such as the right to privacy, the principle of equality, the prohibition of discrimination, and accountability. Although the number of studies addressing the ethical dimensions of artificial intelligence has steadily increased, studies examining the adequacy of existing international human rights law mechanisms in relation to AI-related risks remain limited. Accordingly, this study aims to examine the effects of artificial intelligence technologies on human rights from the perspective of international human rights law and to evaluate the extent to which current protection mechanisms are effective in responding to emerging risks. The study adopts a qualitative research design. International human rights conventions, United Nations (UN) documents, UNESCO recommendations, European Union (EU) regulations, and the relevant academic literature were examined through document analysis. The findings indicate that existing international human rights law mechanisms are not fully sufficient to address the various risks arising from artificial intelligence. Stronger legal safeguards are needed, particularly in relation to the protection of privacy, the prevention of algorithmic discrimination, the enhancement of transparency, the strengthening of human oversight, and the development of accountability mechanisms. The study further argues that AI-related human rights risks should not be treated merely as technical or ethical concerns, but as structural legal issues that require a reconsideration of the normative and institutional capacity of international human rights law. In this respect, the study seeks to contribute to the literature by evaluating the effects of artificial intelligence on contemporary human rights protection systems from the perspective of international law. As the impact of artificial intelligence technologies on human rights continues to increase, the need for more comprehensive, current, and effective protection mechanisms in international law becomes increasingly urgent.

Keywords: artificial intelligence, human rights, international human rights law, right to privacy, algorithmic discrimination, accountability

1. INTRODUCTION

Artificial intelligence technologies have, in recent years, come to occupy a central position within scientific and technological development and are increasingly used in almost every sphere of daily life. With a broad range of applications extending from healthcare services and the education sector to financial systems and public

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administration, artificial intelligence accelerates decision-making processes, increases efficiency, and enables the processing of large data sets. Developments in machine learning, deep learning, and generative artificial intelligence have, in particular, significantly intensified the impact of these technologies on social life.

The legal and ethical problems generated by AI systems have been discussed as extensively as the advantages they provide. The use of AI-supported systems to process personal data, monitor individuals' online activities, participate in automated decision-making mechanisms, and play an active role in the production of digital content has created new risks for fundamental rights and freedoms. This situation has led to significant debates, especially regarding the right to privacy, freedom of expression, the principle of equality, and the prohibition of discrimination, all of which are protected under international human rights law.

The widespread use of artificial intelligence technologies has made it necessary to evaluate these systems not only in terms of their technical and economic dimensions, but also in terms of their effects on human rights. Although AI systems provide important benefits in many fields, including healthcare, education, transportation, and public services, they also create new risks for fundamental human rights such as the right to privacy, the prohibition of discrimination, freedom of expression, and accountability. For this reason, the current literature emphasizes that artificial intelligence should not be examined merely as a technological innovation, but from a human rights perspective (Prabhakaran et al., 2022).

At the same time, the effects of artificial intelligence on human rights are not one- dimensional. These technologies both offer significant opportunities and create new risks of rights violations (Abashidze & Popovic, 2024). A human rights-based approach focuses not primarily on the technical performance of AI systems, but on the effects these systems produce for individuals and society. It places human dignity and the protection of fundamental rights at the center of the development and implementation of artificial intelligence (Prabhakaran et al., 2022).

AI systems, now widely used by states, international organizations, and private-sector actors, have the potential to contribute to the protection of human rights. However, in the absence of adequate legal oversight mechanisms, they may also give rise to various rights violations. In particular, the limited transparency of algorithmic decision-making processes, the frequent inability to explain how AI systems operate, and uncertainty regarding responsibility for the

outcomes produced by such systems raise important questions about the adequacy of existing legal frameworks.

International human rights law provides a comprehensive normative framework designed to protect individuals' fundamental rights and freedoms. The Universal Declaration of Human Rights (United Nations, 1948), the International Covenant on Civil and Political Rights (United Nations, 1966), and the European Convention on Human Rights constitute key international guarantees for the protection of individual rights. However, the fact that these instruments were largely drafted before the emergence of artificial intelligence technologies raises the question of the extent to which existing regulations can respond to new technological developments.

In recent years, various national and international regulatory initiatives, most notably the European Union Artificial Intelligence Act (AI Act), have been regarded as important steps toward limiting the impact of artificial intelligence on human rights. The AI Act is considered one of the most comprehensive regulatory frameworks because it classifies AI systems according to levels of risk and places the protection of fundamental rights at its core. It aims to protect individuals' fundamental rights by imposing transparency, human oversight, and accountability obligations, particularly for high-risk AI systems (European Union, 2024). Nevertheless, the transboundary and globally operative nature of AI technologies makes it difficult to ensure effective protection through national regulations alone. Accordingly, the question of how international human rights law should be applied and developed in the age of artificial intelligence remains highly relevant.

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The aim of this study is to examine the effects of artificial intelligence technologies on human rights from the perspective of international human rights law and to assess the adequacy of existing legal mechanisms in the face of these new technological developments. The study first addresses the relationship between artificial intelligence and human rights at the conceptual level, then evaluates the relevant literature, and finally analyzes the main problems arising in relation to the right to privacy, the principle of equality, the prohibition of discrimination, and accountability. Although existing studies examine AI-related human rights risks largely within the framework of specific rights categories or ethical debates, there are limited studies that evaluate these risks holistically in terms of the protection capacity of international human rights law. While much of the existing scholarship focuses on the effects of artificial intelligence on particular human rights, this study seeks to evaluate AI-related risks through a holistic approach centered on the protection capacity of international human rights law. In this respect, the study asks to what extent international human rights law can provide effective protection against risks arising from artificial intelligence.

2. CONCEPTUAL FRAMEWORK

With the acceleration of technological developments, artificial intelligence has become one of the most important instruments of transformation in the contemporary world. Initially considered primarily within the field of computer science, AI technologies have gradually come to be used in many areas, including law, politics, economics, healthcare, and education. This development has made it necessary to approach artificial intelligence not only as a technical subject, but also in terms of its social, ethical, and legal dimensions.

In general terms, artificial intelligence is defined as systems capable of imitating cognitive processes that require human intelligence, such as learning, problem-solving, decision-making, and language processing (Bolayir, 2023). Developments in machine learning and deep learning technologies, in particular, have enabled AI systems to analyze large data sets and make autonomous decisions. Today, facial recognition systems, digital assistants, recommendation algorithms, automated decision-making mechanisms, and generative AI applications are among the most common examples of these technologies.

Human rights refer to the fundamental rights and freedoms that individuals possess solely by virtue of being human. The Universal Declaration of Human Rights of 1948 played a central role in shaping the international legal framework for the protection of human rights. In addition, international instruments such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Convention on Human Rights provide important safeguards for the protection of individuals' fundamental rights. Principles such as human dignity, equality, freedom, and the prohibition of discrimination occupy a central place in these instruments.

A human rights-based approach is grounded in the protection of human dignity, fundamental rights, and the rule of law throughout the development and implementation of AI systems. According to Prabhakaran et al. (2022), a human rights-based approach centers not on the technical characteristics of AI systems, but on the effects these systems produce for human beings. Its main purpose is to identify who is affected by AI-related harms, which rights are threatened, and how these harms can be reduced. The UNESCO Recommendation on the Ethics of Artificial Intelligence likewise emphasizes that AI systems must be developed in a manner that is respectful of human rights, transparent, and accountable (UNESCO, 2021).

In this study, the relationship between artificial intelligence and human rights is evaluated on the basis of a human rights-based approach. The conceptual foundation of the study rests on the joint examination of the basic principles of

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international human rights law and the new risks generated by artificial intelligence technologies. Within this framework, the effects of artificial intelligence on human rights are analyzed through the dimensions of the right to privacy, the principle of equality, the prohibition of discrimination, and accountability under the basic principles of international human rights law.

3. LITERATURE REVIEW

The relationship between artificial intelligence and human rights has, in recent years, become one of the research areas attracting increasing attention within the literature on international law and international relations. Existing studies show that research has largely focused on the right to privacy, the protection of personal data, the prohibition of discrimination, freedom of expression, and accountability.

According to Abashidze and Popovic (2024), artificial intelligence technologies have a dual impact on human rights. The authors state that AI provides significant benefits in areas such as economic growth, healthcare services, education, and public administration, while also generating serious risks such as the spread of misinformation, violations of personal data, and the manipulation of democratic processes. This approach demonstrates that artificial intelligence should be considered not only as a technological development, but also as a multidimensional phenomenon requiring evaluation from a human rights perspective (Abashidze & Popovic, 2024).

Khaddour (2023), by contrast, draws attention to the problem of legal and ethical responsibility for harms caused by AI systems. According to the author, it is extremely difficult to determine who bears responsibility when errors or discriminatory outcomes occur in AI- supported decision-making processes. This situation creates a need for new legal regulation, particularly in relation to the protection of human rights.

In their study based on the cases of Russia and China, Sun and Chernus (2024) argue that AI technologies are transforming the forms through which human rights are protected. According to the authors, AI technologies may facilitate the exercise of individuals' rights and freedoms, yet they may also create new risks in relation to the protection of personal data and the privacy of private life. For this reason, states must continuously evaluate the consequences of AI technologies and establish the necessary protective mechanisms (Sun & Chernus, 2024).

One of the comprehensive studies in the Turkish-language literature on the relationship between artificial intelligence and human rights is that of Singil (2022). The author states that AI technologies may contribute to the development of human rights, but may also cause human rights violations. For this reason, the positive and negative effects of artificial intelligence on human rights must be evaluated together. The study also addresses the right to life, the right to a fair trial, the right to respect for private and family life, freedom of expression, the principle of equality, and the prohibition of discrimination (Singil, 2022).

According to Bolayir (2023), artificial intelligence technologies have the capacity to affect many fundamental human rights directly, from the right to life and the right to privacy to the prohibition of discrimination and the right of access to justice. AI systems therefore require

oversight not only from a technical standpoint, but also in their legal, social, and ethical dimensions.

According to Yuzer Eltimur (2022), although AI applications offer important benefits for humanity, they may create serious risks of violation in relation to the prohibition of discrimination, the protection of private life, the right to life, freedom of expression, and the right to a fair trial. A human rights-oriented approach should therefore be adopted in the development and implementation of AI systems.

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Documents prepared by international organizations also establish important principles concerning the relationship between artificial intelligence and human rights. UNESCO's 2021 Recommendation on the Ethics of Artificial Intelligence emphasizes that AI systems must be developed in a way that is respectful of human rights, transparent, and accountable. Similarly, work carried out within the Council of Europe and the United Nations underlines that human dignity and fundamental rights must be protected throughout the entire life cycle of AI systems.

When the studies in the literature are considered together, there appears to be a general consensus that artificial intelligence technologies may produce both positive and negative effects on human rights. Researchers focus particularly on the right to privacy, the protection of personal data, the prohibition of discrimination, freedom of expression, and accountability, while emphasizing the need to adopt a human rights-based approach in the development and implementation of AI systems. However, a significant portion of existing studies has been conducted within the framework of specific rights categories, ethical issues, or national regulations. Studies that holistically evaluate the impact of AI-related risks on the general protection capacity of international human rights law remain limited. This study seeks to address this gap by examining the challenges posed by artificial intelligence technologies for international human rights law from a comprehensive perspective.

4. RESEARCH METHODOLOGY

This study was conducted within the framework of qualitative research and is based on the technique of document analysis. Academic studies on the relationship between artificial intelligence and human rights, together with international human rights instruments, were examined. The data obtained were evaluated under three main themes: the right to privacy and the protection of personal data; the prohibition of discrimination and the principle of equality; and accountability.

The data sources of the study consist of Turkish, English, and Russian academic studies published in the field of artificial intelligence and human rights, as well as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the UNESCO Recommendation on the Ethics of Artificial Intelligence, the EU Artificial Intelligence

Act (AI Act), and the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law. Within the scope of the literature review, current academic studies and international regulatory documents directly related to the subject were taken as the primary sources.

Accordingly, the adequacy of existing international human rights law mechanisms in relation to AI-related risks was evaluated, and current legal debates on the subject were analyzed.

ANALYSIS AND DISCUSSION

4.1 The Right To Privacy And The Protection Of Personal Data

When the effects of artificial intelligence technologies on human rights are examined, one of the most widely debated issues is the right to privacy and the protection of personal data. Today, AI systems operate on the basis of large data sets, and the effectiveness of these systems depends to a considerable extent on the collection, processing, and analysis of data belonging to individuals. This situation makes it necessary to establish a delicate balance between the protection of personal data and technological development.

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Abashidze and Popovic (2024) acknowledge that AI technologies make important contributions to economic and social development, but also state that these systems create various risks for the protection of personal data and information security. According to the authors, generative AI systems in particular may facilitate not only misinformation and digital manipulation, but also the uncontrolled processing of data relating to individuals' private lives (Abashidze & Popovic, 2024). This situation creates significant problems in relation to the right to privacy, which is protected under international human rights law.

Similarly, Sun and Chernus (2024) emphasize that while AI technologies may facilitate the exercise of individuals' rights and freedoms, they also create new threats to the protection of personal data. According to the authors, biometric data processing, facial recognition systems, and digital surveillance practices in particular may narrow the sphere of individual privacy (Sun & Chernus, 2024). States must therefore not merely encourage technological development, but also establish effective oversight mechanisms capable of protecting individuals' fundamental rights.

Another important problem in relation to the right to privacy is that the operational processes of AI systems are often not transparent. Abashidze and Popovic (2024) draw attention to the importance of the principles of explainability and transparency in AI systems and emphasize the need to protect individuals' right to know which of their data are processed and how. The lack of comprehensibility in algorithmic decision-making processes may make it more difficult for individuals to access effective remedies against rights violations.

Within this framework, the effects of artificial intelligence technologies on the right to privacy should not be understood merely as a matter of data security. The issue is also directly related to individual autonomy, the protection of the personal sphere, and the safeguarding of human dignity. Singil (2022) similarly states that AI applications may have direct effects on the right to protection of private life and that existing protection mechanisms should be reassessed in the face of these new risks. When the findings in the literature are considered together, it becomes clear that the increasing data-processing capacity of AI systems creates new pressures on existing privacy protection mechanisms. It is therefore necessary to strengthen the existing protection mechanisms of international human rights law in response to new data-processing methods and digital surveillance practices generated by the age of artificial intelligence.

4.2 Artificial Intelligence, The Prohibition Of Discrimination, And The Principle Of Equality

One of the most important areas of debate concerning the effects of artificial intelligence technologies on human rights is the prohibition of discrimination and the principle of equality. Today, many public- and private-sector organizations use algorithmic decision-making systems in a range of areas, from recruitment processes and credit assessments to healthcare services and security practices. However, the possibility that the data sets used by these systems may reflect social biases, or that algorithms may systematically produce adverse outcomes for particular groups, can lead to violations of the principle of equality.

Prabhakaran et al. (2022) state that the right to be free from discrimination is one of the fundamental elements of human rights law and that AI systems carry significant risks in relation to this right. According to the authors, differential treatment of particular individuals or groups by algorithmic systems should not be regarded merely as a technical error, but as a violation of fundamental human rights. Algorithmic biases based on race, ethnic origin, gender, language, and religion may undermine individuals' right to equal treatment (Prabhakaran et al., 2022).

Discrimination in AI systems often occurs not directly but indirectly. Without explicitly targeting a particular group, systems may reproduce inequalities embedded in historical data and reinforce existing social injustices. This situation may create new obstacles for historically disadvantaged groups in accessing education, healthcare, employment, and

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public services. Therefore, the claim of algorithmic neutrality does not always produce equal outcomes in practice.

In the literature, the prohibition of discrimination is understood not only as preventing adverse treatment toward particular groups, but also as guaranteeing that all individuals can enjoy fundamental rights equally. In this context, it is important to adopt a human rights-based approach in the design, development, and implementation of AI systems. Prabhakaran et al. (2022) emphasize that a human rights approach focuses not on the technical performance of algorithms, but on the effects these systems produce for human beings. Thus, the assessment

process focuses not only on the accuracy rate of the system, but also on which groups are harmed and how such harms may be prevented.

According to Yuzer Eltimur (2022), AI applications may create significant risks in relation to the prohibition of discrimination and the principle of equality. Similarly, Singil (2022) states that AI systems may reproduce existing social inequalities and should therefore be continuously monitored from a human rights perspective. Within this framework, the effects of artificial intelligence technologies on the prohibition of discrimination and the principle of equality emerge as one of the current problems of international human rights law. Preventing AI systems from reproducing social biases should be regarded not only as a technical requirement, but also as a legal obligation directed toward the protection of human rights.

4.3 Artificial Intelligence And The Problem Of Accountability In International Law

One of the most important problems created by artificial intelligence technologies in relation to human rights is the issue of accountability. In traditional legal systems, when a rights violation occurs, it is generally possible to determine who bears responsibility. However, the complex structure of AI systems, their capacity for autonomous decision-making, and their often non- transparent modes of operation make it difficult to determine responsibility for resulting harms.

Khaddour (2023) states that legal and ethical responsibility for harms caused by AI systems is one of the central problems facing contemporary law. According to the author, where AI- supported systems make erroneous or discriminatory decisions, there are significant debates as to whether responsibility belongs to the programmer, the institution using the system, the data provider, or the system itself. This situation creates legal uncertainty, particularly in relation to the protection of human rights.

Similarly, Abashidze and Popovic (2024) emphasize that the principles of transparency and explainability occupy a central place in assessing the effects of AI systems on human rights. According to the authors, individuals' ability to learn which of their data are processed and on what grounds AI systems make particular decisions is one of the basic conditions of effective legal protection. Nevertheless, many AI systems have a black-box character, and their decision-making processes are not fully intelligible to users.

The problem of accountability is important not only in relation to individual rights violations, but also for the applicability of international human rights law. In order to speak of a human rights violation, it is first necessary to identify the violation and determine the responsible actor. However, because AI systems are transboundary in nature, involve multiple actors, and operate through technically complex decision-making mechanisms, various difficulties arise in the application of existing rules of international law.

For this reason, regulatory initiatives aimed at strengthening the principles of transparency, explainability, and human oversight in AI systems have increased in recent years among international organizations and states. The Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, adopted in

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2024, aims to ensure that AI-related activities are carried out in accordance with human rights standards (Council of Europe, 2024). Similarly, Bolayir (2023) emphasizes that AI systems should be subject to oversight not only in technical terms, but also in their legal and ethical dimensions. The literature draws attention to the importance of developing legal mechanisms that prevent AI systems from being treated as fully autonomous entities and that ensure ultimate responsibility remains with human beings and institutions. In this context, accountability emerges as one of the fundamental safeguards for the effective protection of human rights in the age of artificial intelligence.

5. CONCLUSION

Artificial intelligence technologies have, in recent years, increased their influence across almost every area of human life and have contributed to the reshaping of social, economic, and legal relations. While these technologies offer important advantages in areas such as healthcare, education, transportation, and public administration, they also generate new problems for the protection of human rights. For this reason, the relationship between artificial intelligence and human rights has become one of the important research areas of the present day from the perspective of international law.

This study examined the effects of artificial intelligence technologies on human rights within the framework of international human rights law. The analysis shows that artificial intelligence does not have a one-directional effect on human rights; rather, it has a dual character that contains both important opportunities and serious risks. AI systems may facilitate individuals' access to information, increase the efficiency of public services, and accelerate decision-making processes in various areas. At the same time, however, they create significant risks for fundamental human rights, including the protection of personal data, the privacy of private life, the prohibition of discrimination, and accountability.

The study focused particularly on the right to privacy, the principle of equality, the prohibition of discrimination, and the problem of accountability. The reliance of AI systems on large volumes of data increases the risks associated with the processing of individuals' personal information, while algorithmic decision-making processes may in some cases reproduce existing social biases. Moreover, the complex and often non-transparent structure of AI systems makes it difficult to determine responsibility for harms that occur. This situation raises the question of the extent to which existing legal mechanisms can respond to the needs of the age of artificial intelligence.

The study concludes that existing international human rights law provides an important normative foundation for the management of AI-related risks, but may remain insufficient in certain respects in the face of new risks generated by artificial intelligence. Foundational instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights establish important principles for evaluating AI-related rights violations. Nevertheless, the fact that these instruments were largely prepared before the development of AI technologies creates certain gaps in practice.

For this reason, effective protection of human rights in the age of artificial intelligence requires that existing rules of international law be interpreted and supported in light of new technological developments. It is particularly important that the principles of transparency, explainability, human oversight, and accountability be more strongly adopted at the international level. More comprehensive mechanisms of cooperation among states, international organizations, technology companies, and civil society must also be established.

In this process, the regulations and standards developed by the United Nations, UNESCO, the European Union, and the Council of Europe constitute an important normative basis for the development of AI technologies in accordance

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with human rights (United Nations, 1948; United Nations, 1966; UNESCO, 2021; European Union, 2024; Council of Europe, 2024). Nevertheless, because AI systems are global and transboundary in nature, international cooperation must be strengthened further.

This study contributes to the literature by evaluating AI-related human rights risks holistically, through the dimensions of the right to privacy, the prohibition of discrimination, and accountability, from the perspective of international human rights law. It also contributes to academic and legal debates by identifying the new challenges faced by existing international human rights mechanisms in the age of artificial intelligence.

In conclusion, artificial intelligence technologies do not render human rights law obsolete. On the contrary, they create a process of transformation that makes it necessary to reassess and develop existing mechanisms for the protection of human rights. In future legal regulations, the adoption of human dignity, fundamental rights, and a human-centered approach should be regarded as the basic condition for ensuring that artificial intelligence technologies are used for the benefit of humanity.

Nevertheless, this study is limited by its reliance on document analysis and does not include empirical data. Future research may reach more comprehensive conclusions by comparatively examining practices in different countries and by analyzing judicial decisions concerning AI- related human rights violations.

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